

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**INNOGENETICS N.V.,
a Belgian Corporation,**

Plaintiff,

v.

Case No. 05-C-0575-C

**ABBOTT LABORATORIES,
an Illinois Corporation,**

Defendant.

**MOTION FOR SUMMARY JUDGMENT OF
NO INEQUITABLE CONDUCT**

Plaintiff Innogenetics N.V. hereby moves, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an order granting summary judgment against Defendant Abbott Laboratories as to Defendant's Affirmative Defense and Counterclaim that U.S. Patent No. 5,846,704 is unenforceable due to inequitable conduct. This motion is based on the Brief in Support of Motion for Summary Judgment of No Inequitable Conduct, Plaintiff's Proposed Findings of Fact, and the Declaration of Melody K. Glazer, filed herewith.

Dated this 15th day of May, 2006.

Attorneys for Innogenetics N.V.

By: /s/ John S. Skilton
John S. Skilton, SBN 1012794
Christopher G. Hanewicz, SBN 1034160
David L. Anstaett, SBN 1037884
Melody K. Glazer, SBN 1054204
Heller Ehrman LLP
One East Main Street, Suite 201
Madison, WI 53703-5118
Telephone: (608) 663-7460
Facsimile: (608) 663-7499

Shannon M. Bloodworth
Ronald J. Kamis
Heller Ehrman LLP
1717 Rhode Island Ave. NW
Washington, D.C. 20036
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

Colin G. Sandercock
Proskauer Rose LLP
1001 Pennsylvania Avenue NW
Washington D.C. 20004
Telephone: (202) 416-6800
Facsimile: (202) 416-6899